

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - FEBRUARY 26, 2001**

The Regular Meeting of the Board of Island County Commissioners was held on February 26, 2001, beginning at 11:30 a.m. for a Roundtable with Elected Officials, followed by other meeting items as listed on the Agenda scheduled for 1:30 p.m., *including* Diking Improvement District #4. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, WA, with William F. Thorn, Chairman, and Mike Shelton, Member, present. Wm. L. McDowell, Member, was absent. Minutes from previous meetings were, by unanimous motion, approved as follows: February 7, 2001 Special Session.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

Attendance: Robert Bishop; Tom Baenen; Maxine Sauter; Marilee Black; Suzanne Sinclair; Greg Banks

1. Courthouse Facilities and Temporary Working Conditions

As may be required because of construction of the new Law and Justice Facility and Courthouse Remodel, temporary office placements may not accommodate full staff. Where the Assessor will move temporarily will not accommodate 19 people and he plans to have the appraisers work out in the field i.e., on Friday afternoons come in the office and down load their work from the week; on Monday morning, upload next week's work. This releases 9 workstations. Question: how to turn in the number of hours work and how is that verified?

Commissioner Shelton observed that many departments are customer oriented departments and here to serve the public. The guiding principle should be that the County expects to receive 40 hours' work for 40 hours' pay. In the case of the Assessor, the County would be asking employees to work in this manner because of current working conditions, for the County's convenience more than for convenience of the employees. Assuming the Assessor verifies that the work has been produced, he would turn in 8 hours of work per day for those employees. Chairman Thorn agreed, reiterating that the Assessor would certify that in fact those employees were working those hours; the Assessor has the control.

2. Telecommuting

Potential issues of concern could be overtime issues, FLSA covered employees, risk management and office ergonomics, and this needs further discussion, clarification and County policy developed.

3. New Law and Justice Facility

As a group the Law and Justice departments are still discussing and re-thinking the issue about whether they really want everyone to funnel through the front door. Security will only be provided between 8:00 a.m. to 4:30 p.m. and they realize that some employees are going to need access to the building beyond secure times.

As far as bidding and contract preparation for companies to provide security for the new facility, Ms. Black agreed to check with Betty Kemp as far as the status and get back to the Chairman with that information.

With regard to Mr. Banks request go through the new facility, the Commissioners suggested he contact Larry Kwarsick to arrange same.

Roundtable adjourned at Noon; the next Roundtable scheduled for 3/26/01 @ 11:30 a.m.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) # 93834 – 94117 \$ 754,212.47.

Veterans Assistance Fund: *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]*. As recommended by the Veterans Assistance Review Committee, the Board by unanimous motion, acted on the following three Veterans Assistance Claims:

- #V1-8 approved \$2,077.47 and denied remainder
- #V1-9 denied in entirety
- #V1-10 denied in entirety.

HIRING REQUESTS & PERSONNEL ACTIONS

By unanimous motion, the Board approved the following Personnel Action Authorization as Presented and summarized by Dick Toft, Human Resource Director: PAA #026/01, Sr. Planner #1709.01-Replacement, with effective date 2/26/01.

CONTRACT #RM-HR-01-0022 BENEFIT ADMINISTRATION COMPANY LLC
FLEXIBLE BENEFITS CONTRACT RENEWAL

Mr. Toft presented for the Board's review and approval Contract #RM-HR-01-0022 with Benefit Administration Company LLC, regarding Flexible Benefits Contract Renewal 3-1-01 – 3-1-02, for provision of certain administrative services for the operation of Employer's Flexible Benefits Plan. By unanimous motion, the Board approved Contract #RM-HR-01-0022 with Benefit Administration Company LLC, as presented.

STAFF SESSION SCHEDULE FOR MARCH, 2001

The Board by unanimous motion approved the Staff Session Schedule for March 2001, for distribution, outlining regular staff sessions on March 7 and 21 beginning at 9:00 a.m., noting that the session for March 7 is for the morning only.

JUVENILE COURT SERVICES

As presented by Michael S. Merringer, Administrator, Juvenile & Family Court Services, the Board by unanimous motion, approved the following:

- Amendment No. 4 to Interlocal Agreement between Snohomish County and Island County for Juvenile Detention Services, #RM-JUV-00-0020-4, not to exceed \$40,000
- Amendment No. 1 to DSHS Contract #0063-43980, JAIBG – Alternatives to Detention - Community Work Crews: #RM-JUV-00-0066-1; no change in dollar amount, but with an amended project start date 1-1-01 and amended end date 8-31-01.
- Letter regarding 2001-Z11 4-WA-DC Implementation Grant, Fiscal Year 2001 authorizing Michael S. Merringer, Administrator, Juvenile & Family Court Services, as the official representative of Island County authorized to apply to undertake a drug court program or project in whole or in part

HEARING HELD: RES. #C-15-01 ESTABLISHING ISLAND COUNTY COMMUNITY MENTAL HEALTH FACILITY FUND/FIXING BUDGET FOR YEAR 2001

A Public Hearing was held as scheduled and advertised at 1:45 p.m. to consider Resolution #C-15-01 Establishing the Island County Community Mental Health Facility Fund and Fixing a Budget for the 2001 Year. At the time of hearing, no members of the public stepped forward to speak either for or against adoption of Ordinance #C-15-01.

By unanimous motion, the Board approved Resolution #C-15-01 establishing the Island County Community Mental Health Facility Fund and Fixing a Budget for the 2001 Year.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

In the Matter of Establishing the Island County)	
Community Mental Health Facility Fund and)	Resolution # C-15-01
Fixing a Budget for the 2001 Year)	

WHEREAS, through acceptance of a \$750,000 Community Development Block Grant to partially fund the building of a Community Mental Health Facility located in Coupeville, a fund should be established to ensure that the revenues and expenditures in connection with the construction and operation of the Center are properly accounted for, and

WHEREAS, it appears that the most effective means to ensure that funds for this purpose are used only for this program would be to establish a separate fund to be known as the Island County Community Mental Health Facility Fund; and

WHEREAS, there is a need to fix and adopt a budget for this fund for the 2001 year; and

WHEREAS, RCW 36.40.140 requires that a public hearing be held at which any person may appear and be heard for or against this proposed Fund and Budget, **NOW THEREFORE**

BE IT RESOLVED, that a public hearing be held at the hour of 1:45 p.m. on the 26th day of February, 2001, at the usual meeting place of the Board in Coupeville to consider this proposed Fund and Budget.

ATTEST:

By Ellen K. Meyer, Deputy
 Margaret Rosenkranz, Clerk of the Board
 BICC 01-110

[absent-Wm. L. McDowell, Member]

RESOLUTION #C-22-01 TRANSFERRING FUNDS WITHIN THE 2000 ISLAND COUNTY CURRENT EXPENSE FUND BUDGET

Resolution #C-22-01 as prepared by the Budget Director, was approved by unanimous motion, of the Board, transferring Funds within the 2000 Island County Current Expense Fund Budget, from Commissioners Contingency to Sheriff, Salaries & Benefits, in the amount of \$80,511, and Sheriff-fuel in the amount of \$12,615, for a total of \$93,126.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
 OF ISLAND COUNTY, WASHINGTON**

**In the Matter of Transferring Funds)
 Within the 2000 Island County Current) Resolution # C-22-01
 Expense Fund Budgets)**

WHEREAS, all funds and department budgets are adopted and fixed by the Board of County Commissioners for each fiscal year, with expenditures listed in three general categories; Salary, Wages & Benefits, Maintenance & Operation and Capital Outlay, and

WHEREAS, it is permissible to transfer between these categories only by resolution of the Board, and

WHEREAS, various departments have requested transfers of funds between portions of their budgets, and

WHEREAS, it is necessary to transfer between these categories in order to cover for unexpected or heretofore unknown expenditures in one category from other budget category excesses, or from budgeted reserves, ***NOW THEREFORE***

BE IT RESOLVED, that funds will be transferred in the 2000 Fund Budgets per the following.

Fund/Department	Source of Funds	Application of Funds	Amount
Current Expense Fund			
Commissioner Contingency	001-000-51992-141	Total Source	\$93,126
Sheriff, Salaries & Benefits		001-040-52122-110	80,511
Sheriff, Fuel		001-040-52122-132	12,615
		Total Application	\$93,126

ADOPTED this 26th day of February 2001.

**BOARD OF ISLAND COUNTY COMMISSIONERS
 ISLAND COUNTY, WASHINGTON**

William F. Thorn, Chairman
 Mike Shelton, Member
 [Absent-Wm. L. McDowell, Member]

By Ellen K. Meyer, Deputy
 Margaret Rosenkranz, Clerk of the Board
 BICC 01-128

AMENDMENT TO CONTRACT #EM 010344 - WASHINGTON STATE MILITARY DEPARTMENT FOR DOJ NEEDS & CAPABILITY SURVEY

Amendment to Contract #EM 010344 with Washington State Military Department for Department of Justice Needs & Capability Survey, as presented and reviewed by T. J. Harmon, Department of Emergency Services, was approved by unanimous motion of the Board, representing no change in dollar amount, just that the project time line has been extended to June 30, 2001.

FINANCIAL REPORTS

The financial reports from the Auditor and Treasurer were submitted for review and discussion. Commissioner Shelton thought it worthy to note that both reports show revenues down by \$100,000 from last year.

Auditor's Report

Suzanne Sinclair, Island County Auditor, was present and submitted, in written form, the Auditor's Current Expense financial report for the period ending January 31, 2001. Only one month into the year, she had no particular comments or concerns, and looking at bottom line percentages, figures are close to last year at this time.

Treasurer's Report

Maxine Sauter, Island County Treasurer, provided the Board with copies of her written financial report for the period ending January 30th showing a cash report and budget comparison for Current Expense, under cover memorandum dated February 12, 2001. She reported a good carry over cash balance although cautioned that the figure did not yet include the December warrants issued in January. An area of concern is that Investment interest rates are very much down.

[Copies of both reports are on file with the Clerk of the Board and Commissioners Office]

CONTRACT #RM-CENT-01-0017 – WASHINGTON STATE DEPARTMENT OF INFORMATION CUSTOMER SERVICE AGREEMENT #98-INT-034

By unanimous motion, the Board approved Contract #RM-CENT-01-0017 with Washington State Department of Information, Customer Service Agreement #98-INT-034, a blanket agreement establishing terms and conditions under which DIS provides services if the County chooses to utilize their services [goods and services from DIS and taking advantage of third party vendors through master contracts executed by DIS].

**MEMORANDUM OF AGREEMENT #RM-EXT-00-0103
BETWEEN ISLAND COUNTY AND WSU**

Memorandum of Agreement, #RM-EXT-00-0103, between Island County and WSU in the amount of \$30,844.00 for the year 2001 was approved by unanimous motion of the Board, providing Extension Education Program, with the specific positions listed within the MOA that are supported through the MOA.

CONTRACT FOR DAVE MACKIE PARK HYPOCHLORINATOR SYSTEM INSTALLATION

The Board, by unanimous motion, approved Contract #RM-GSA-01-0020 for a Hypochlorinator System installation at Dave Mackie Park, between Island County and Island H2O Systems, Inc., Oak Harbor, in the amount of \$14,601.01 including State Sales Tax.

HEALTH CONTRACTS

The Board took action on four health related contracts, approving each by unanimous motion, and all four having been approved by the Board of Health on February 21, 2001:

- Consolidated Contract Amendment, Contract # C08645 (1), \$4,583.00
- Site Hazard Assessment Amendment, Contract #G9900132 (2), \$17,250.00
- Child Care Capacity Contract #N09845, \$20,000.00
- RM-HLTH-99-0014 – Interlocal Agreement with Snohomish Health District for Region 3 AIDS Service Network, to continue omnibus funding for HI/AIDS program, \$66,038.00

RESOLUTION #C-23-01/R-06-01 APPROVING SPECIFICATIONS & AUTHORIZING CALL FOR BIDS FOR CULVERT SUPPLIES

By unanimous motion, as presented and recommended by the Public Works Director and County Engineer, the Board approved Resolution #C-23-01/R-06-01 In the Matter of Approving Specifications & Authorizing Call Bids for Culvert Supplies, with bid date set for March 27, 2001 at 1:30 p.m.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF APPROVING}
SPECIFICATIONS & AUTHORIZING} RESOLUTION #C-23-01
CALL FOR BIDS FOR:}
CULVERT SUPPLIES} RESOLUTION #R- 06-01**

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

CULVERT SUPPLIES for all Road shops (corrugated aluminum alloy and corrugated, double-walled, smooth bore, non-perforated, polyethylene plastic drain pipe).

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said supplies; **BID OPENING** to be the 27th day of March, 2001 at 1:30 p.m., in Conference Room #3, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 26th day of February 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
[Absent-Wm. L. McDowell, Member]

ATTEST:

By: Ellen K. Meyer, Deputy
Margaret Rosenkranz, Clerk of the Board
BICC 01-133

RESOLUTION #C-24 -01/R-07-01 – APPROVING SPECIFICATIONS & AUTHORIZING CALL FOR BIDS FOR 1 NEW 2001 BACKHOE LOADER W/CAB

By unanimous motion, as presented and recommended by the Public Works Director, Larry Kwarsick, and Lew Legat, County Engineer, the Board approved Resolution #C-24-01/R-07-01 In the Matter of approving specifications and authorizing call for bids for one new 2001 Backhoe Loader with cab, and setting bid date for March 27, 2001 at 2:00 p.m.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF APPROVING}
SPECIFICATIONS & AUTHORIZING} RESOLUTION #C-24-01
CALL FOR BIDS FOR:}
ONE (1) NEW 2001} RESOLUTION #R- 07-01
BACKHOE LOADER W/CAB}
WITH TRADE-IN: Equip# 160}**

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

**ONE (1) OR MORE NEW 2001 BACKHOE LOADER(S) W/CAB
WITH TRADE-IN: Equip# 160 1991 FORD 655C**

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 27th day of March, 2001 at 2:00 p.m., in Conference Room #3, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 26th day of February 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
[absent-Wm. L. McDowell, Member]

ATTEST:

By Ellen K. Meyer, Deputy
Margaret Rosenkranz, Clerk of the Board
BICC 01-134

RESOLUTION #C-25 -01/R-08-01 – DELETION OF A PORTION OF RAINBOW LANE FROM COUNTY ROAD LOG

Resolution #C-25 -01/R-08-01 was presented by Mr. Kwarsick, recommending approval of the proposed resolution involving the deletion of a portion of Rainbow Lane from the County Road Log. In the Snohomish County Superior Court case Johnson v. Island County, the Court determined that the County did not have sufficient rights to claim this portion of Rainbow Lane as a public

highway. This resolution is a follow-on activity to delete it from the County Road Log.

By unanimous motion, the Board approved Resolution #C-25 -01/R-08-01 In the Matter of Deletion of a Portion of Rainbow Lane from County Road Log.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF DELETION)
OF A PORTION OF RAINBOW)
LANE FROM COUNTY ROAD LOG)**

**RESOLUTION NO. C-25 -01
R-08-01**

WHEREAS, that portion of Rainbow Lane on Camano Island, formerly known as Highline Street, lying south of Fairway Drive for a distance of 370 feet, was claimed to be a County Road by long term public use and county maintenance pursuant to the provisions of RCW 36.75.070; and

WHEREAS, the Snohomish County Superior Court in Johnson v. Island County, Cause No. 97-2-09390, determined on January 30, 2001 that said road is not a county road as its use did not meet the requirements for use as a public highway; and

WHEREAS, it is necessary to amend the County Road Log and other county records to delete that portion of Rainbow Lane as a county road; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED that the County Engineer is directed to delete that portion of Rainbow Lane, Road Log Number 76690, from milepost 0.44 to milepost 0.51 from the County Road Log and other Road Department records.

DATED this 26th day of February 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

WILLIAM F. THORN, Chairman
MIKE SHELTON, Member
[absent-Wm. L. McDowell, Member]

ATTEST:

By Ellen K. Meyer, Deputy
MARGARET ROSENKRANZ
Clerk of the Board
BICC 01-135

**CONSULTANT AGREEMENT PW-0020-28A FOR NEGOTIATION
SERVICES – ABEYTA & ASSOCIATES**

By unanimous motion, the Board approved and signed Consultant Agreement PW-0020-28A with Abeyta & Associates, Seattle, to perform right of way and real property acquisition functions, the agreement not to exceed \$55,000 over the duration of the agreement.

**AMENDMENT TO AGREEMENT GCA-1238 –LAND ACQUISITION, RELOCATION,
AND RELATED SERVICES BETWEEN IS. CO AND WSDOT**

As presented and recommended by Larry Kwarsick, the Board by unanimous motion approved and signed an Amendment to Agreement for Aid #GCA-1238 involving Land Acquisition, Relocation, and Related Services between Island County and Washington State Department of Transportation, with period of performance extended to March 24, 2004.

**EAST CAMANO DRIVE PHASE II RIGHT OF WAY ACQUISITION: FENCE AND
DRAINFIELD RELOCATION AGREEMENT; AND AGREEMENT FULFILLMENT STATEMENT FOR DRAINFIELD
DESIGN – BRIAN L. AND LYNNE A. KEGLEY**

The Board, by unanimous motion, approved the Fence and Drainfield Relocation Agreement Associated with East Camano Drive Phase II right of way acquisition, as part of the property acquisition for the right of way the County, for the expense of designing replacement sewage drainfield and drainfield reserve area for Brian L. and Lynne A. Kegley, Work Order #208, Parcel 510-0980, Sec. 7, Twp 31N, R E., Camano Island, and further, approved the Agreement

Fulfillment Statement for Drainfield Design.

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT –
GENUINE CEDARFLEX**

Adopt-A-Road Litter Control Program Agreement between the County and Genuine Cedarflex was approved by unanimous motion of the Board, a renewal agreement for Ewing Road from Sills Road to Maxwellton Road.

**WSDOT LOCAL AGENCY PARTICIPATING AGREEMENT
GCA 2720 – SR 525 & JUNCTION BAYVIEW ROAD**

Mr. Kwarsick presented and recommended approval on Local Agency Participating Agreement between Island County and Washington State Department of Transportation involving pending improvements to the intersection of SR 525 and junction of Bayview Road, involving the County's contribution of \$142,133 from STP funds, out of a project cost of \$980,224.00 to help Support and sponsor the agreement.

By unanimous motion the Board approved WSDOT Local Agency Participating Agreement GCA 2720 – SR 525 & Junction Bayview Road.

**ADDENDUM/AMENDMENT NO. 2 TO PURCHASE & SALE AGREEMENT #39867 – COUPEVILLE MENTAL
HEALTH CENTER**

The Board approved and signed, by unanimous motion, Addendum/Amendment No. 2 to Purchase & Sale Agreement #39867 for the Coupeville Mental Health Center construction, under Work Order #368, between Island County and Cecil E. and Cheryl K. Stuurmans, Parcel 173-3310, Sec. 33, Twp. 32N, R 1E.

Mr. Kwarsick commented that this dealt with one of the contingencies, the extension of NW 1st street. Under the terms and conditions of the conditional use permit approved by the Town of Coupeville, Stuurmans' were required to extend NW 1st street to provide access to this property. The amendment provides a cost share to complete and fulfill that requirement with the County's cost \$30,000 and the money will be held in escrow until the work is done and the Town has accepted the street as part of the town street system.

CENTENNIAL CLEAN WATER FUND GRANTS

Under the Watershed Program, Mr. Kwarsick presented three grant applications for Centennial Clean Water Funds, asking that the Board approve same for submittal:

- **Camano Watershed Program**; total project cost \$543,564 of which \$407,673 are grant funds a four year program, with intention to hire specific grant manager for the duration of the program.
- **Freeland Outfall Water Quality Enhancement**, dealing with follow-on issue specifically water quality in the Freeland area and water quality treatment prior to discharge in Holmes Harbor; total amount of project is \$148,200, of which \$111,150 would be grant funds.
- **Water Quality Outfall Monitoring** – to look at potential surface water pollution issues and water quality issues specifically within Urban Growth Areas (UGAs) of Langley, Coupeville, Oak Harbor, and Rural Areas of More Intense Development; total project cost \$286,000 of which \$214,500 would be grant funds.

By unanimous motion, the Board approved the three Centennial Clean Water Fund Grant applications.

**RECOMMENDATION TO NOT AWARD BID-2 NEW TRAILER MOUNTED MESSAGE SIGNS w/RADAR PACKAGE;
AND RE-BID RESOLUTION #C-26-01/R-09-01**

Mr. Kwarsick presented the Department's formal recommendation to reject the single bid received from National Barricade LLC in the amount of \$41,291.89, for two new trailer mounted message signs with radar package [Resolution #C-07-01/-04-01] due to the bid not meeting specifications. A second bid was received late, which did meet specifications. After reviewing the bid package the proposed bid package has been modified so that both bidders could meet specs.

By unanimous motion, the Board approved the recommendation to reject the bid award for the Two (2) New Trailer Mounted Message Signs inasmuch as the bid did not meet specifications, and that the Board approve revised specifications under Resolution #C-26-01/R-09-01 with bids to be received on March 9, 2001 At 11:00 a.m.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

**IN THE MATTER OF APPROVING}
SPECIFICATIONS & AUTHORIZING} RESOLUTION #C-26-01
CALL FOR BIDS FOR:}
TWO TRAILER MOUNTED MESSAGE} RESOLUTION #R- 09 -01
SIGNS WITH RADAR PACKAGE}**

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

TWO (2) TRAILER MOUNTED MESSAGE SIGNS

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 9th day of March, 2001 at 11:00 a.m., in Conference Room #2, 1 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 26th day of February 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

William F. Thorn, Chairman
Mike Shelton, Member
[Absent - Wm. L. McDowell, Member]

ATTEST:

By Ellen K. Meyer, Deputy
Margaret Rosenkranz, Clerk of the Board
BICC 01-144

HEARING HELD: ORDINANCE #C-13-01, PLG-003-01, AMENDING THE LANGLEY JOINT PLANNING AREA AND URBAN GROWTH AREA BOUNDARIES

A Public Hearing was held at 2:45 p.m., as scheduled and advertised, to consider Ordinance #C-13-01, PLG-003-01, Amending the Langley Joint Planning Area and Urban Growth Area Boundaries, having been introduced on 2/5/01 and set for this date and time [GMA #6286].

Attendance:

Staff: Phil Bakke; Jeff Tate
Public: Approximately 9 [Attendance Sheet GMA #_____]

Mr. Bakke pointed out that the County Wide Planning Policies adopted under Ordinance #C-120-98 September 28, 1998, required that the County work cooperatively with the City of Langley to reestablish the Joint Planning Area (JPA) and Urban Growth Area (UGA) inasmuch as City of Langley's population projections and planning criteria were based on 2010 while Island County's population projections and planning criteria were based on 2020. The matter now before the Board would synchronize the County's population allocation and projections for the year 2020 with the City of Langley's. Current Langley UGA and JPA were determined adequate with 2010 population projections. Now that the City has completed review of the 2020 date for those projections, Mr. Bakke submitted a revised UGA boundary and JPA reflecting the increase of growth in that ten year time period [GMA #_____] Interlocal Agreement under #C-01-99 adopted June 28, 1999, stated that the County and City jointly agree to established the revised UGA boundary in order to accommodate expansion of the City of Langley UGA to accommodate the 2020 population forecast. On October 10, 2000, the Island County Planning Commission conducted a public hearing and recommended approval of the proposed amendment with several questions [Exhibit B, Conclusions, Findings and Recommendations]. Since review by the Island County Planning Commission, the City of Langley revised UGA and JPA to remove some portion of land from the area and now request removal of approximately 90 acres from the proposed UGA.

Mr. Tate referred to the maps attached to the ordinance under Exhibit A. When the County originally adopted the Zoning Atlas in 1998 and looked at UGAs, this was shown as an UGA including what the City's potential zoning was; then later created the UGA-Langley Zone and still commented in a note what the potential City density would be if annexed. When the maps were prepared staff did not have all the information yet on what the potential zoning would be. It matches the boundary for the UGA-L Zone in the ordinance now [everywhere you see the UGA-L zone in the attached maps is exactly the same as Langley's]; however, he noted just before the hearing that on the County's maps there is no potential zoning identified within the UGA on Map #718 in Exhibit A. When Langley scaled back the UGA area 90 acres, Langley also scaled back JPA acreage which is not reflected in the map. Map 718 the whole area that is south of the halfway point should not be shown as in the JPA; that line should come straight across the middle. And submitted Revised Map 718 to be inserted in place of the current map 718 in Exhibit A.

Lloyd Furman, Mayor, City of Langley, submitted a map of the City of Langley noted as Revised November 2000 with the following color legend [GMA record #_____]

..... City Limits	=	black color
Proposed UGA boundary	=	navy blue
Proposed JPA boundary	=	red
Current UGA boundary	=	green
Current JPA boundary	=	yellow
UGA Land Use Designations:		
Medium Density Residential	=	brown [approx. 5 units per acre]
Low Density Residential	=	yellow [approx. 3 units per acre]
Public Facilities	=	blue

Mayor Furman pointed out that in 1994 Langley's Comprehensive Plan was adopted using the 2010 population projections. The City agreed with the County to cooperatively try to accommodate growth to the year 2020, which meant an additional 600 people above 2010 growth projections and a larger urban growth area. Therefore, the total area of 390 acres has been scaled down by 90 acres from the City's original amount that was presented to the County Planning Commission initially. Of that 90 acres, steep slopes, stream corridors, wetlands and areas already partially or nearly fully developed, are included in that amount. Wetlands and steep slopes and stream corridors add up to about 160 acres, and partially or fully developed is 70 acres, leaving only 150 acres of buildable land to accommodate those 600 people. Langley has adequate water to take care of the new growth and a sewer treatment plant capability, with high priority of Langley to extend sewer mains. At some point in time the Mayor said that Langley may have to add a module onto the sewer treatment plant but the basic plant is there. The City plans next year to hold annexation meetings with people south of the City Limits, primarily up Anderson Road beyond Fossick's field. Langley owns two pieces of property outside City limits, the water tank property and the cemetery. Some residents of that area have expressed an interest in coming into the city boundaries in order to increase development.

Jack Lynch, City Planning Director, indicated that the map provided by Mayor Furman shows the land use designations of both a combination of medium and low density residential. Those areas shown in brown are the closest to the City limits and easiest to extend water and sewer to serve. The area for potential annexation [pointed out on the map displayed during the hearing] is the south-central part of the City. The City is also interested in annexation because of the cemetery and a city primary water storage site located within that area. He made it clear that for people in the vicinity of Sandy Point the proposal represents no change at all. That area had been within the City's adopted joint planning area since 1994, most in the County RAID area and this proposal does not go any further east than that RAID boundary, and that is where the City's urban growth boundary would match up with the RAID boundary for the Sandy Point area. Using the map posted on the wall, Mr. Lynch showed the area that was reduced down in the UGA - originally the boundary was a squared-off boundary all the way over to Wilkinson Road. It is an area already divided largely into 5-acre lots with some 2-1/2's, and suspected it would remain that way for some period of time.

Mr. Lynch was aware that a bill had been introduced in the legislature that would deal with the current situation in the Langley vicinity, which is existence of a number of natural features that impinge upon logical growth areas [ravines, steep slopes, stream corridors]. The bill would allow cities in cooperation with counties to determine how much of that kind of area there is and allow subtracting that and adding that much more area to make up for the fact there are these constrained lands within the UGA. Of the lands within the boundaries Langley defined, there are 150 acres not constrained in some manner and not already developed in any significant way. Within that there are portions partially developed [i.e. Talking Circle at the end of Anderson Road] that would fall within the 70 acres either partially or fully developed. The 150 acres represents the acreage with the greatest opportunity of development, all within the UGA boundary. The areas designated as medium have less constraints associated with them and have the greatest initial potential although not exclusively. He also explained that there is a difference between what zoning will allow and what actually happens on the ground even with sewers, and noted that had been taken into consideration in the calculations made.

In response to Chairman Thorn's question whether Langley set aside any high-density areas to accommodate affordable housing, Mr. Lynch indicated that the City tried to keep that focus more towards the heart of the Langley. There is an interest in doing more and the City seems to be getting a lot of accessory dwelling unit activity and is looking at other opportunities for higher density. One of the problems are land costs in Langley. The City still has some area that is zoned for multiple that has not yet been developed and a code change was made last year which makes it easier to develop multiple within the neighborhood business zone districts.

Vanetta Turner, Langley, wanted to know exactly what being in a JPA did to a property.

Chairman Thorn explained that the UGA is intended to accommodate the forecast out through 2020 population increase; the JPA would be the next increment beyond that to encompass the next planning period. The UGA also anticipates sooner or later there will be the extension of urban services.

Commissioner Shelton said that for property located within the JPA County Code governs; once inside the UGA, the Interlocal Agreement has provisions where an applicant would have to agree to sign a pre-annexation agreement. For a five-acre parcel located within a UGA and request to build a single family home, that applicant has to show how ultimately future development might occur.

Robert "Bob" Turner, Langley, was concerned about the Sandy Point area, and specifically Blue Lady Lane where the Turners property is located; the City serves that area right now with water; baring the unforeseen he hoped that would not be denied. They contacted the County several months ago regarding extending Blue Lady Lane another 500' questioning if the County would take it over, and were advised in the negative, and wondered if the owners of the property would have to upgrade the road to County specifications first. Commissioner Shelton confirmed that if Mr. Turner wanted the County to consider taking over the road, that work would have to be done first.

Reece Rose, Clinton, mentioned that one of the primary goals listed in the Growth Management Act was to allow for affordable housing and she was pleased to hear the Chairman's concern over that issue. Hearing the comments of Mr. Lynch today about maximum density 5 units per acre, and on the ground building really at 2 per acre, and looking at the 150 acres, she did not see how Langley could get units that would be considered affordable housing. She suggested the need to go back and start over on the affordable housing issue.

Don Jewett, South Whidbey, continues to be concerned that he remain outside of anything that had to do with having the City of Langley looking over his land and wondered now if his property had been included all along, and had some concern that he had been unable to obtain an approved signed adopted Interlocal Agreement between Langley and Island County; he was given only an unsigned copy. Upset to have another layer of government looking over him, especially the City of Langley.

Commissioner Shelton referred to the map on the wall, the yellow line indicating the previous JPA, and Blue Lady Lane is included in the previous JPA. Mr. Lynch confirmed that as well; that whole area had always been within the JPA and nothing has changed there at all.

Mr. Bakke clarified that the hearing today related to amending the boundary, not the Interlocal Agreement. The Interlocal Agreement was adopted June 28, 1999, and Mr. Jewett can be provided a signed copy.

As far as a public hearing having been held by the Island County Planning Commission, Mr. Jewett asked about a published public hearing date where the people in the JPA would have been notified, because those who were copied on the letter signed jointly by Mayor Furman and Commissioner Shelton were in the UGA not the JPA.

Mr. Bakke confirmed that the Planning Commission held several public hearings on this, which were noticed in all the newspapers in Island County, and took official action in October 2000.

Commissioner Shelton went on to note that people notified as a result of that letter were those who were going to be included in the new UGA and the reason Mr. Jewett was not notified was because the previous JPA included his property and there was no change to his property [since 1995]. The urban growth boundary does not include Sandy Point.

Mr. Lynch confirmed there were no active plans to annex out into the Sandy Point area. The City determined that that could be accommodated within the current treatment plant capability, but would escalate the time frame within which the City would need to plan to expand the treatment plant. However, there is not enough interest on the part of the property owners in Sandy Point to want to prepare a plan that would conform with Langley's sewer plan and in turn be prepared to come in to the City as part of getting the services.

Mr. Jewett remembered that Ernie Noble was trying to sell his property located across from the Fairgrounds and asked if that could be designated for low cost high rise housing. Mr. Lynch answered that the property was zoned Neighborhood Business but allows multiple family housing.

Charles Scurlock, Langley, had nothing more to add, noting everything he had had to say had been adequately covered.

Bob Turner referred to the matter of annexation regarding Sandy Point and asked whether or not Clyde Road would become a boundary line since it intersects with Sandy Point Road, and whether or not there would be an incremental annexation to the north side of Clyde Road. This is an area that is marginal when it comes to septic systems.

Commissioner Shelton confirmed that Clyde Road and the Sandy Point were clearly outside of the proposed urban growth boundary so annexation in the JPA is not something being proposed in the next 20 years.

Mr. Lynch commented that annexation cannot occur unless the property is within a UGA; a JPA does not qualify for annexation.

With no further public comments, the public input portion of the hearing was closed.

Mr. Tate provided Revised Map 718 to correctly show the Joint Planning Area, to replace the current map 718 in Exhibit A. Mr. Bakke requested that should the Board adopt the Ordinance today, that the Board's motion include not only adding the Revised Map 718 but also to require that staff fill in the City of Langley zoning designations on each map included in Exhibit A.

Commissioner Shelton moved that the Board adopt Ordinance #C-13-01 PLG-003-01 in the matter of amending the Langley Joint Planning Area and Urban Growth Area boundaries and that the County's zoning maps in Exhibit A reflect the zoning that has been proposed by the City of Langley and including Revised Map 718 as a result of input to this hearing. Motion, seconded by Commissioner Thorn, carried unanimously. [Adopted ordinance GMA record #_____].

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF AMENDING THE)
LANGLEY JOINT PLANNING AREA)
AND URBAN GROWTH AREA BOUNDARIES)**

**ORDINANCE C-13-01
PLG-003-01**

WHEREAS, on September 28, 1998, the Board of Island County Commissioners adopted Ordinance C-120-98, adoption of the Island County Comprehensive Plan and County Wide Planning Policies; and

WHEREAS, the Island County Comprehensive Plan and County Wide Planning Policies project and allocate population to the year 2020 while the Langley Comprehensive Plan, adopted in 1990, projects and allocates population to the year 2010; and

WHEREAS, the current Langley Urban Growth Area and Joint Planning Area are adequate for accommodating population to the year 2010; and

WHEREAS, because the Island County Comprehensive Plan includes a population allocation for the Langley UGA to the year 2020, expansion of the existing Langley UGA and JPA are necessary in order to accommodate the additional population from the year 2010 to 2020; and

WHEREAS, on June 28, 1999 the Board of Island County Commissioners adopted Ordinance C-01-99, the Langley Interlocal Agreement which states that the City and County jointly agree that the Agreement is intended to establish a revised UGA boundary to allow for the orderly expansion of the Langley UGA to accommodate the 2020 population forecast for Langley established in the CWPPs; and

WHEREAS, public hearings were held on February 22, 1999, April 5, 1999, April 19, 1999, May 3, 1999, May 17, 1999, June 21, 1999 and June 28, 1999 to receive public testimony on the proposed Agreement; and

WHEREAS, on August 23, 1999, the Board of Island County Commissioners adopted Ordinance C-100-99, amending Chapter 17.03 ICC to implement the Langley Interlocal Agreement officially creating the Urban Growth Area – Langley (UGA-L) Zone; and

WHEREAS, on October 4, 1999, the Board of Island County Commissioners adopted Ordinance C-109-99, amending the Island County Zoning Atlas to implement the Langley Interlocal Agreement officially designating the Urban Growth Area – Langley (UGA-L) Zone; and

WHEREAS, June 28, 2000 the City submitted proposed revisions to the Langley UGA and JPA as called for in the Interlocal Agreement; and

WHEREAS, on October 10, 2000, the Island County Planning Commission held a public hearing on the subject of expanding the Langley UGA and JPA and recommended approval of the proposed amended UGA and JPA boundary; and

WHEREAS, finding #8 of the Planning Commission's Summary and Findings attached hereto as exhibit B states that prior to making a final decision, the methodology and all pertinent studies related to the expansion should be provided to the BICC for their review; and

WHEREAS, the City submitted additional information and revised UGA/JPA boundaries and that the methodology, studies and analysis that was provided prompted the City, at the County's request, to remove approximately 90 acres from the proposed UGA; and

WHEREAS, in 1998, the County completed environmental review under Chapter 43.21C RCW, SEPA, on its Comp Plan and Development Regulations including the Langley Urban Growth Area and Joint Planning Area; and

WHEREAS, environmental review that was conducted in 1998 included review based on a population projection and allocation for the Langley UGA to the year 2020 which would require future expansion of the UGA and JPA; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to the adopted Langley Urban Growth Area and Joint Planning Area are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development Regulations; and

WHEREAS, amendments to the Island County Zoning Atlas Maps are needed to reflect an expanded UGA and JPA in order to assure consistency with the Comprehensive Plan and County Wide Planning Policies and to implement the adopted Langley Interlocal Agreement; and

WHEREAS, the Langley City Council has reviewed and approved the amended UGA and JPA boundaries and will adopt a resolution to that effect following BICC action; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the amendments to the Island County Zoning Atlas attached hereto as Exhibit A to implement the adopted Langley Interlocal Agreement.

Reviewed this 5th day of February 2001 and set for public hearing at 2:45 p.m. on the 26th day of February 2001.

**BOARD OF COUNTY COMMISSIONERS ISLAND COUNTY,
WASHINGTON**

William F. Thorn, Chairman
Wm. L. McDowell, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board
BICC 01-089

APPROVED AND ADOPTED this 26th day of February 2001, with Revised Map 718, and that the County's Zoning maps in Exhibit A reflect the zoning as proposed by the City of Langley.

**BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON**

William F. Thorn, Chairman
[Absent-Wm. L. McDowell, Member]
Mike Shelton, Member

ATTEST: By Ellen K. Meyer, Deputy
Margaret Rosenkranz, Clerk of the Board

**AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
ISLAND COUNTY & TERRALOGIC GIS**

The Board, on unanimous motion, approved and signed Agreement for Professional Services between Island County & Terralogic GIS to convert all critical area Arc/Inf. coverage's into ArcView shapefiles, incorporate the symbology of hard-copy maps to create an ArcView project/deliver steep slopes coverage. [GMA record #_____]

**HEARING SCHEDULED: ORDINANCE #C-27-01 (PLG-004-01) CONCERNING TECHNICAL AMENDMENTS TO THE
ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP & ZONING ATLAS MAPS #972, 973 &
974**

As presented by Mr. Bakke, the Board by unanimous motion, scheduled a public hearing on Ordinance #C-27-01 (PLG-004-01) Concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map & Island County Zoning Atlas Maps #972, 973 & 974, for March 26, 2001 @ 2:45 p.m. [Ordinance as introduced and set for hearing GMA #_____]

There being no further business to come before the Board at this time, the meeting adjourned at 3:45 p.m. The Board will meet next in Special Session on February 28, 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

William F. Thorn, Chairman

Mike Shelton, Member
[Absent – Wm. L. McDowell, Member]

ATTEST: _____
Margaret Rosenkranz, Clerk of the Board